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LETTER

TO A

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PEER
CONCERNING
The Power and Authority
OF
METROPOLITANS
OVER THEIR
Comprovincial Bishops.

Quæ Res cum omnium nostrum Consilium & Sententiam expectet, Præjudicare Ego, & solus mihi Rem Communem vindicare, non audeo.
Cyprian. Ep. 26. Edit. Oxon.

LONDON, Printed for A. Baldwin in Warwick-Lane, 1701.

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MY LORD,

YOUR Lordship's Requests are to me always instead of Commands; and therefore tho' I am very conscious to my self of my Insufficiency for so great a Task, yet I have chosen rather to be wanting in Regards to my self, than in Duty to your Lordship.

The Question your Lordship proposes, viz. What is the Power of Metropolitans over their Comprovincial Bishops in Case of utmost Censure of Deposition, is of that Moment, that I

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think it might well deserve the Discussion, and most deliberate Determination of our National Synod, for I take it to be above the Ordinary Jurisdiction, and therefore not within the Direction of the Statute of Appeals, which seems to me to be confin'd to Causes Testamentary, Matrimonial, of Tythes, Oblations and Obventions, and if I rightly apprehend the Preamble to that Statute 24 Hen. 8. c. 12. Questions of this kind, are there assign'd as the peculiar Province of the State Spiritual.

For in the Preamble of that Statute the King and Parliament declare, that *England* is an Empire, the Body Politick of which compact of All sorts and Degrees of People, is divided in Terms, and by Names of Spirituality and Temporality, over All which the King is Supreme Head; which Body Spiritual is said (N. 4.) to have Power, That when any Cause of the Law Divine happen'd to come in Question, or of Spiritual Learning, that it should be declared, interpreted, and shew'd by that Part of the said Body Politick call'd the Spirituality, now being usually called the English Church, which always has been reputed and found of that sort, that both for Knowledge, Integrity and sufficiency of Number, it hath been always thought, and is also at this Hour sufficient and meet of its self, without the intermedling of any exterior Person or Persons, to declare

declare and determine All such Doubts, and to administer All such Offices and Duties as to their Rooms Spirituals doth appertain.

This Method would give your Lordship an Authentick as well as a Satisfactory Answer. But a private Person can only offer the Intimation of his own Opinion, and that too must be done, with the profoundest Submission to that Venerable Body.

The Question concerning Church Authority in general is of the more difficult consideration under our present *English* Establishment, because that is the only Part of our Reformation which was left *unfinished*.

The Opinion the King and Parliament were pleased to entertain, and thus graciously express of the Ability and Integrity of the *English* Church, induc'd them to give her leave to Reform her Doctrine, and her Worship, and they are so reform'd as to deserve the Publick Establishment of the Civil Government, under the Protection of which we have been able, and still may defend them against all our Adversaries of what Party soever: But when the Ecclesiastical Law began to be consider'd, the Usurpations and Encroachments of the *Roman* Pontificate had thrown so much confusion into the Body of it,

by breaking in upon the King's Prerogative, the Justice of his Courts, and the common Liberties and Priviledges of his People, by Exemptions, Provisions, and other Tricks for aggrandizing that Imperious See, that tho' it might seem most to want it, yet either the Difficulty of the thing, or some other weighty Reason, put a stop to the Reformation of it, and that Part of the Reformation ended only in a Provisional Law for that Time; which gave the King Power to constitute a Commission of Thirty two Persons, one half Ecclesiasticks, the other of the Upper and Lower Houses of Parliament, which should have Power to view, search, order and determine such a Reformation of the Ecclesiastical Law, as should be laid before the King in Parliament for approbation, with a Proviso that till that was done, (which was yet never done;) All Canons, Constitutions, Ordinances, and Synodals Provincial, already made, and not contrariant to the Laws, Statutes and Customs of this Realm, nor to the Damage or Hurt of the King's Prerogative Royal, should be used and executed as heretofore, 25 Hen. 8. 19.

'Tis true, there was a fuller Power granted *Eliz.* which produc'd what we call'd sometime in *England*, the High Commission Court, which I do

do not say was a wrong way of Reforming the Ecclesiastical Authority, because it was establisht by the Wisdom of our Nation, but the Event has prov'd, it was an unwelcome Method to Us.

The Repeal of that therefore has thrown us back upon the Provisional Laws of *H. 8.* where we must abide till the Government shall think fit to give Us leave to proceed further; for 'tis none of the least Glories of the *English* Reformation that it was not made in a tumultuary manner, but under the Direction and Protection of the Civil Government.

And give me leave here to suggest to your Lordship, that tho' there might be very good Reason in the time of King *Henry* the Eighth for Establishing a mix'd Commission of Lay and Ecclesiastical Persons, because too many of the Ecclesiasticks of that Time, might be reasonably suspected, to be willing to adhere to the Usurp'd Interests of the *Romish* See, yet since we have had above 150 years experience, not only of the Ability and Integrity of the *English* Church, but of its Fidelity too to the *English* Constitution, for they have always flourish'd, and always suffer'd together, if it may be ever thought

thought expedient to finish the work of Reformation so Gloriously begun by our Ancestors, and so well defended hitherto, that Experience if impartially consider'd ought to be no small Inducement to the Government to trust the management of such an Affair, in such Hands as have the Publick Testimony of the Nation, that they are **Sufficient** and **Meet** for it. For tho' the Sacred Synod of this Nation in the Name of Christ, and by the King's Authority Assembled, being the True Church of *England* by Representation, *Can. 139.* are by the Provisional Law we are now under, forbid to Enact any *New Canons*, yet under the Sufferance of the Government, I see not why they may not be permitted to Review the *Old Ones*, and lay such a Body of Reform'd Ecclesiastical Law before the King in Parliament, as would make our Reformation All of a piece, and would, I doubt not deserve a publick Establishment as well as the other parts have done.

This would promote the Honour of God and of his Church, and the Government I doubt not would find their Ends in it: If a better Method of suppressing those Reigning Vices of Atheism, Infidelity, Profaneness and Immorality, (which the publick Laws have complain'd of,
but

but not cur'd;) if a surer way of compassing Unity and Unanimity at Home, and giving the world such a Pattern as might under the Blessing of God be Effectual for enlarging the Borders of the Reformation abroad, may be thought such. But enough if not too much upon this Point.

In the mean time while we are under the Direction of this Provisional Law, there is no other Method left to Answer your Lordship's Question but only by representing under the shelter of that Proviso, what have been the Laws and Constitutions of the Catholick Church in this case, *i.e.* What is the Power of Metropolitans over their Comprovincial Bishops according to the Canons of the Universal Church; for this being a Piece of pure *Spiritual Learning* cannot I hope be adjudg'd injurious to the Prerogative of a Christian Prince, or contrary to the known Laws of a Christian State, who are both suppos'd to joyn in the Defence and Protection of the Spiritual Power.

Now *Gratian* who made his Collection of Canons in the *Western Church* about the Year 1131, and *Matthew Blastares* who made his in the *Eastern Church* about 1335, do both report it after the same manner, That Originally the Authority of a Metropolitan, as such, over his

his Comprovincial Bishops, was only in and with his *Synod* : But that afterwards there was a variety of Usage introduc'd into the Church, which permitted a Metropolitan to proceed to the Deposition of an Obnoxious Bishop, with the Assistance of Twelve Bishops; of an Obnoxious Presbyter, with the Assistance of Six; of an Obnoxious Deacon, with the Assistance of Three.

Thus *Gratian*, Part II. Cause 15. Q. 7. from the Second Council of *Hispalis* says, Without the Examination of the Council, a Presbyter or Deacon should not be Depos'd. And again, Such as being Consecrated to the Service of the Divine Altars, do bear the Honour of the Church, cannot be Condemn'd, or Depos'd from the Privilege of their Honour by the single Judgment of One; but what is meet to be determin'd in that Case, must be by the Judgment of the Synod, according as the Canon commands: And the Reason that Council gives, is, that though the Bishop may alone bestow the Honour, yet he cannot alone deprive of it; which refers to an Ancient Maxim amongst the Canonists. (a) Now the Second Council of *Hispalis* here referr'd to, was

(a) Solus non tollit Præful, quem præstat honorem.

held about the Year 617, and tells us, that this Doctrine is according to the Synodical Opinion of the Ancient Fathers. (a) And yet in the same Question, from the Councils of Agatha and Carthage, he tells us, that if a Bishop (which is wish'd may not happen) should fall into any Crime, and there should be some urgent necessity that the Metropolitan could not call together the whole Number of Bishops; in that Case, that the Criminal may not lye too long under the suspicion of Guilt, His Cause may be heard by Twelve Bishops, a Presbyter's by Six, a Deacon's by Three, with his own Bishop. (b) Matthew Blastares gives us the same Account, but from better Authority: For in his Collection, which is Alphabetical, in the Letter Δ. κεφ. η. the Title of which is concerning the Judging of Bishops and Clergymen for their Personal Crimes. He tells us from the 74th of the Apostolical Canons, That when a Bishop is accus'd by Persons of Credit, he must necessarily be summon'd before the

(a) Juxta priscorum Patrum Synodalem Sententiam.

(b) Si quis Episcopus (quod non optamus fieri) in Reatum aliquem incurrerit, & si fuerit ei [*i.e.* Metropolitano] nimia necessitas, non posse plurimos congregare Episcopos; nè in crimine maneat, à 12 Episcopis audiatur, & à 6 Presbyteris, & à 3 Diaconis cum proprio Episcopo.

Tribunal of the Church, by two Bishops sent to him for that purpose; and if he obey, and either confess or be convicted, he shall be punish'd according to the Crime; but if he obey not the first, let him be summon'd thrice; and if he still continue contumacious, the Synod, i.e. the Tribunal of the Church, shall determin against him according to the Quality of his Crime. And from *Can. 6.* of the Second General Council, he tells us, If the Accusers answer the Qualifications set down in the former part of that Canon. The Crimes the Bishop is accus'd of, shall be examin'd by the Bishops of that Province: And if the Cause cannot be determin'd by them, it shall be decided by the larger Synod of the Diocess; (for that Word then signifi'd a District comprehending several Provinces.)

And if any one, in neglect or contempt of this Judgment by the Provincial or Diocesan Synod, address'd himself to either the Emperour or Secular Princes, or even an Universal Council, he should not be admitted to accuse, as one who was injurious, not to the single Metropolitan, Primate, or Patriarch; but to all the Bishops, i.e. the Synod of the Diocess; (a)

(a) *ὡς ἀτιμωσαντα τὸς τῆς Διοκηνσίας Ἐπισκόπους.*

and as one who contumeliously treated the Authority of the Holy Canons, and endeavour'd to overturn the Peace and good Order of the Church.

From the Twelfth Canon of the *African* Code he tells us, If a Bishop become Criminal, he must be judg'd by the whole Synod, to which he belongs: But this Canon adds a *Proviso*, that in case of Necessity, if it be difficult for the whole Synod to come together, there should not be fewer than Twelve; but Six Bishops might judge a Presbyter, and Three a Deacon.

This Canon, *Blastares* tells us, was long after the Council of *Antioch*, which in its Fourth Canon determins, That Priests and Deacons may be Depos'd by One Bishop; but Bishops only by the Synod. Here we must farther note, That these Twelve ought to be Comprovincial Bishops, besides the Metropolitan: For this, he cites the Case of *John of Amathus*, whose Deposition by the Archbishop of *Cyprus*, was declared null at *Constantinople*, because there were but Eleven besides the Metropolitan: (a)

Thus do these two Collectors state the

(a) καὶ ἐπέκεινα ἢ αὐτοῦ τοῦ τοῦ λοιπῶν συνεδέσας.

Power of Metropolitans over their Comprovincial Bishops, not as any Power, Privilege, or Prerogative inherent in their Persons, or belonging singly to their See; but as a Privilege belonging to their Presidency in Synods, and seems to be what was given them in the Ancient Canons, by the τὸ κόςθ' ἡμῶν γινόμενον, not that they were to do what they pleas'd without a Synod, but that what was done in Synod should have its Authority from their Presidency. But to set this matter in a yet clearer light, I take it for granted,

1st. It will be allow'd me in this case, That the Primitive state of the Church was purely Metropolitcal, *i.e.* That there was no ordinary Authority in the Church, above the Metropolitan and his Synod, and that this continu'd uncorrupted till after the Great Council of *Nice* the 6th Canon of which has been sufficiently vindicated by Dr. *Beverege* and others from all Pretence to Patriarchal Right. And therefore,

2^{dly}. That all Powers above the Metropolitcal, such as Exarchs, Patriarchs, and the great Pretence of the Oecumenical or Universal Bishop, tho they might in process of time get Power enough to establish themselves, by
after

after Ecclesiastical Constitutions, yet were really, originally Innovations, not to say Usurpations upon the Primitive state of the Church; and were the first occasion of bringing confusion upon the well establish'd Authority of the Metropolitaneal Episcopate.

3^{ly}. That from the time of their breaking in upon the Metropolitaneal Authority the great Controversies about Ecclesiastical Power, have been all manag'd by these Superior Powers in favour of their several Pretensions, with that contention that they were never quiet till they were at last all swallow'd up into the exorbitant Power of one Universal Bishop.

4^{ly}. That during these contentions the Rights of Metropolitaneal Authority were not destroy'd though they might be often too much overrul'd by these higher Pretensions.

When therefore in a Reform'd Church, which has endeavour'd (as far as she has been allow'd,) to quit her self of these Usurpations, and return back to the Primitive Pattern, we are enquiring after the Authority of Metropolitans over their Comprovincial Bishops; it will not be expected we should give an History of all those confusions the contending Parties of Usurpers have brought upon the Church, but that it will be
suffi-

sufficient to answer this Question if we represent fairly, the Power and Authority of Metropolitans as it stood before these Innovations upon it, and collect the scatter'd Evidences we have of the exercise of it, even under those Usurpations till the very Times of Reformation. To do this therefore in some Method, I shall begin with that Collection of Canons which are call'd Apostical, and have been sufficiently prov'd to be the true Code of the Primitive Church. *Beverege's Codex Canonum vindicatus.*

The Thirtyfourth Canon of that Collection runs thus: *The Bishops of every Nation ought to know Him who is first amongst them, and account Him as their Head, nor may they do any thing that is extraordinary, or of great moment without His opinion or consent, but only every one such things as [being of ordinary Jurisdiction] were peculiar and proper to their own Diocesses, and the Territories under them, nor is He to do any thing without the opinion or consent of all them, for thus will Unanimity be preserv'd, and God Glorify'd.**

* Τὸς Ἐπισκόπους ἐκάστου ἔθνους εἰδέναι χρὴ τὸν ἐν αὐτοῖς Πρῶτον, καὶ ἡγεῖσθαι αὐτὸν ὡς Κεφαλὴν, καὶ μηδὲν τι πράττειν ἀπειπὸν αὐτοῦ τῆς Εκκλησίας Γνώμης· Εκείνῳ δὲ μόνῳ πράττειν Ἐκαστὸν Ὅσα τῇ αὐτῇ Παροικίᾳ ἐπιβάλλουσιν, καὶ τὰς ὑπὸ αὐτὴν ὑφαισθαι. Ἀλλὰ μηδὲ Ἐκεῖνος ἀνεὺ τῆς ὅλης Πάντων Γνώμης ποιεῖται τι ἕτω καὶ ὁμολογια εἶναι, καὶ δοξαζήσεται ὁ Θεός.
Can. Apost. 34.

This Canon gives a Primacy or Presidency to one Bishop in every Nation over the Rest; But the words by which it is express being Relative do plainly shew it is not an Investiture of any Absolute Authority in his Person singly; for tho' he be the first, there is a number of which he is the first; though he be to be accounted the Head, there is a Body of which he is the Head. This Primacy by the Ninth Canon of *Antioch* is given to the Bishop presiding in the Metropolis for this reason, because there is the greatest concourse, and that is the seat of all publick business, from hence obtained the Names of Primate and Metropolitan.

Now the Authority annex'd to this Primacy both by this and the Ninth Canon of *Antioch* was, *That the other Bishops of every Nation or Province should not do any thing that was* *Πρεσβυτεριον*, [extraordinary or of great moment] without the consent or opinion of their Primate or Metropolitan, nor He without the consent of All them, but only such Things as were proper and peculiar to their own Particular Districts and the Territories belonging to them, for every Metropolitan had his *Παροικια*, i.e. what we now call Diocess, and still has, as well as other Bishops, and the Authority they have there

there is no more than what is common to that Episcopate which St. Cyprian tells us, is one, parts or portions of which are dispens'd by single Bishops with a common Title to the whole *.

The *Μνηστὴρ πρεσβύτης* therefore which is forbid the Comprovincial Bishops without their Metropolitan, and even the Metropolitan without the concurring consent of all the Comprovincials, seems to take in all that Authority which is above the Power of an ordinary Bishop, and lodges it, not in the Metropolitan singly, but in the Synod, giving him the Primacy or Presidency only, he is and ought to be accounted the First, the Head of the Assembly.

What that Expression therefore means, will be best Collected from the Interpreters. *Dionysius Exiguus* Translates it, *nothing more than what belongs to every ones peculiar District.* (a) *Gentianus Hervetus*, *Nothing that is difficult or of great moment.* (b) *Dr. Beverege*, *Nothing that is of*

* Cujus à singulis in solidum Pars tenetur. *Cypr. de Unit.*

(a) Nihil amplius, quam ea sola singuli. Quæ Parochiæ propriæ & villis quæ sub eâ sunt, competunt.

(b) Nihil quod sit arduum aut magni momenti.

great moment. (a) The Scholiast Balsamon thus interprets it, It is decreed by this Canon that those Things which are above the common Administration of what belongs to every Diocess, and refer to the Ecclesiastical Constitution, and are therefore accounted Γενικά, should not be done without the Opinion and Consent of the Primate, nor is it permitted to the Primate himself to do any such thing without the Opinion and Consent of his Bishops. (b) Zonaras thus, That it is not permitted the Bishops without their Primate to do any thing that has Respect to the common Ecclesiastical Constitution, such as are the Determining Questions concerning Doctrine, Censures of common Errors or Faults, Consecrations of Bishops and the like, but that All of them coming together with Him [their Primate] should by common deliberation determine what seem'd best to All, but only that every one should manage privately and by Himself, the Affairs belonging to His own Church, and the Territories under it. Furthermore, Neither was it permitted the Primate to abuse His Honour, and change it into a Lordly Power, or take a sole and arbitrary Power to Himself, nor yet to do any of those things already mention'd, or any thing of

(a) Nihil quod sit magni momenti.

(b) Καὶ αὐτῷ δὲ τῷ πρώτῳ ποιῶν τι ποιεῖν ἀνευ γνώμης τῶν ἑπισκόπων αὐτοῦ, ἢ ἐνεδόκη.

that Kind without the common Opinion and consent of his Comprovincials: (a) This is Transcrib'd by Blastares (b) with very little Alteration as to words, and therefore may be taken as the Churches common Interpretation of this Canon for above a thousand years.

Now to strengthen this Interpretation, I shall only trouble your Lordship with an Instance on each side, from Ecclesiastical Writers of undoubted Credit.

To shew how Religiously this Canon was observ'd in this sense of it. St. Cyprian that Great and Famous Archbishop of Carthage, to whose Writings we chiefly owe the full Account of that Primitive Discipline, which our English Reformation Glories in for her Pattern, and as far as she has been permitted, has endeavour'd to imitate, tells us in his Prefatory Discourse to that full Synod which was held at Carthage in his Time, Anno Dom. 256. It is not our Custom for any one to make Himself a Bishop of Bishops, or by Tyranny compell his Collegues into a necessity of

(a) Πλὴν ἀλλ' ἐδὲ τῷ Πρώτῳ Ἐπισκόπῳ παραχωρεῖ τῇ πρῇ κατὰ-
 χρώμενον εἰς Δυνατείαν ταύτην ἀμείβειν, καὶ Ευαθελεῖν, καὶ ἁπλῆς Γνώ-
 ρις κοινῆς καὶ οἰκείων Συλλειτουργῶν, ποιῆν, ἢ τῷ ἐιρημνῶν, ἢ τῷ ὁμοί-
 ῳ αὐτοῖς. Schol. in Can. Apost. 34.

(b) Litera E. cap. 11.

obedience, since every Bishop according to the Limits of His Power had a proper judgment, and can no more be singly judg'd by another than he can singly judge another: And upon a less occasion in his Twenty sixth Epistle, Since this matter requires the advice and consent of All of us, I dare not singly prejudge it, or take to my self alone, what is of common concern. And in the cause of the Lapsi which were such weak Christians as had in the heat of the Decian Persecution fallen back to Idolatry, where his Clergy enquir'd by what means they should be restor'd to the Communion of the Church, Epist. 55. He tells Novatian, I have hitherto deferr'd the cause of the Lapsi, that when peace and quietness shall be given, and the Divine Providence shall indulge the Bishops a common meeting, we might then by Mutual Conference and Communicated Councils determine what ought to be done in that case: But in the mean time if any one shall rashly communicate with the Lapsi, before the meeting of this Council, and a determinate Sentence pass'd by the advice of All, let him be Excommunicated. And a little after He tells us, According to this Design, when the Persecution was ended, A large number of Bishops, whom the Divine Protection and their own Faith had preserv'd sincere

A Letter to a Peer, &c.

and upright, met together, and by duly weighing the Scriptures and mutual Conference brought that matter to an wholesome Temper. (a)

It were easie to transcribe much more : Indeed his whole Book, especially his Epistles are full of Evidences of this kind, how Religiously this great Primate (tho' He was an earnest Defender of the Divine Authority, and Independency of Bishops upon any, but their Lord and Master Christ Jesus) yet observ'd this Canon of doing nothing which was of common Interest, and great moment, and above the ordinary business of his own District, without the common Counsel and consent of his Collegues or Comprovincials.

On the other side we have a plain Instance of the Authority and Sense of this Ca-

(a) Si quis verò ante Concilium nostrum & ante sententiam de omnium Concilio Statutam, Lapsis temerè communicare voluisset, ipse à communione abstineretur----- Secundum quod ante fuerat destinatum, Persecutione sopitâ, cum datâ esset facultas in unum conveniendi ; Copiosus Episcoporum numerus ; Quos Integros & Incolumes Fides sua & Domini Tutela protexit, in Unum, convenimus & Scripturis Diu ex utrâque parte prolatis temperamentum salubri Moderatione libravimus. *Cyprian. Epist. 55. Edit. Oxon.*

non,

non, as it forbids the Comprovincials to Act in cases of great moment without their Primate, from the Example of the *Ægyptian* Bishops in the Council of *Chalcedon*, P. 2. Act. 4. for when their Primate *Dioscorus* was justly Depos'd by that Universal Council for contumaciously refusing to answer to some of the most Scandalous Libels, that were I think ever offer'd against a Person of that Character, the rest of the *Ægyptian* Bishops then present being requir'd to condemn *Eutyches*, by subscribing the Epistle of *Leo* to *Flavianus* which that Council had made their Synodical Decree, they drew up a Petition to the Emperours *Valentinian* and *Marcian*, setting forth, *That they consented to the Catholick Faith as it was deliver'd to them by the three preceeding General Councils of Nice, Constantinople, and Ephesus, and did Anathematize Eutyches, or any other who held any thing contrary to what was set forth in that Petition.* But being still further urg'd by the Council to subscribe *Leo's* Epistle, return'd this answer, *As to that, all the Holy Fathers of this Council know, we are to expect the opinion and consent of our Holy Archbishop, and therefore desire your Goodness to wait the Opinion of our Primate; For the 318 Holy Fathers of Nice, have Canonically determin'd, That the whole Ægyptian*

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tian Diocess should follow the Archbishop of the great City of Alexandria, and that without Him nothing should be done by the Bishops within his Jurisdiction. (a) And to shew the Council this was a matter of that moment that it could not be done without the consent of their Metropolitan, they all cry'd out, *It is a Controversie of Faith.* (b)

And when they were threatned by the Council with the Sentence of Excommunication, they Petitioned for Mercy still upon the same reason, desiring them to wait for their Archbishop, that according to ancient custom they might have his opinion and consent: For if they should do any thing without the consent and opinion of their Primate, the whole *Ægyptian* Diocess would fall upon them as Irregular, and such as set aside and would not observe the ancient Customs according to the Canons.

(a) Ἰστασι πάντες οἱ ἀγιάτατοι ἡμῶν πατέρες, ὅτι ἐν ᾧ πᾶσιν ἀναμένομεν τὴν Γνώμην τῆ παρ' ἡμῖν ὀσιωτάτου Αρχιεπισκόπου; καὶ παρακαλῶμεν τῷ ὑμετέραν φιλανθρωπίαν, ἀναμεῖναι τὴν ἡμέτερον Πρεσβυτεριον Γνώμην. Αὐτῷ γὰρ ἐν ᾧ πᾶσιν ἀκολουθήσομεν. Τῆτο γὰρ καὶ οἱ ἐπὶ τῆς Νικαίας ἀγιοι πατέρες συναγνηγεργμένοι ἐκανόνισαντες, ὥστε ἀκολουθεῖν πᾶσαν τὴν Αἰγυπτιακὴν Διοίκησιν, τῷ Αρχιεπισκόπῳ τῇ Μεγαλοπόλει Αλεξανδρείας, καὶ μηδὲν δίχα αὐτοῦ πράττειν, παρὰ πᾶσι τῶν ὑπ' αὐτὸν Ἐπισκόπων. Conc. Chalced. P. 2. Act. 4.

(b) περὶ πίσεως εἶναι ὁ Ἀγών. Ibid.

And

And therefore further Petition'd, That there might be There in the Council an Archbishop declar'd, and they were ready to subscribe, for they did not disobey the Council, but they were in danger from their own Country. (a) And at last it was Decreed by the Thirtieth Canon of that Council, That they should wait the Consecration of a new Archbishop, and then Subscribe.

If these Instances are sufficient to make good the Explication we have given of this Canon, and establish the sense and authority of it, then we do from hence learn that in business of great moment, such as is above the ordinary Authority or Jurisdiction of a single Bishop, the constant and standing Rule of the Church has been, to lodge the Jurisdiction not in the Metropolitan singly, but joyntly and with his Synod, and this is further confirm'd by the Second Canon of Constantinople, which tells us, *The Affairs of every Province are to be administer'd by the Synod of the Province according to the determinations of the Council of Nice.* And this I take to be the Reason of those Repeated Commands;

(a) Γενηται ὁ δὲ Αρχιεπίσκοπος καὶ ἰσχυρόμεν καὶ ἀντιθέμεθα, καὶ ἀπεθήμεν τῇ Συνόδῳ, ἀλλὰ φρονούμεθα ἐν τῇ πατρίδι. Conc. Chalced. Ibid.

we constantly meet with in every Collection of Canons, for the frequent Conventions of Provincial Synods, which was thought so necessary for the preservation of Ecclesiastical Jurisdiction, that the Emperor *Justinian* made it a Law, and put the Metropolitan under a penalty if he neglected to convene them, as we find it in his Novels, *Const. 123*. To the end the Ecclesiastical Constitution, and the Divine Canons may be carefully observ'd, we command every Archbishop, Patriarch, and Metropolitan to call together once at least if not twice a year, all the Holy Bishops that are under their Jurisdiction. (a)

Which Law *Dr. Zouch* in his small Treatise *de Jure Sacro* thus Epitomizes, If the Metropolitans neglect to hold their Synods, the Presidents of the Provinces shall urge them to it, and if they still delay and are tardy in it, he shall certifie the Empe-
rour of that neglect that it may be animadverted upon by convenient punishment. (b)

(a) ἵνα δὲ πᾶσι Ἐκκλησιαστικῇ Κατάστασι, καὶ οἱ θεῖοι Κανόνες ὁμιλῶς φυλάττοιτο, κελεύομεν ἓνα ἕκαστον μακαρεώτατον Ἀρχιεπίσκοπον; καὶ Πατριάρχην, καὶ Μητροπολίτην, τοὺς ὁπωτάτους Ἐπισκόπους, τοὺς αὐτοὺς πλεοντας καὶ τὴν αὐτὴν Ἐπαρχίαν, ἅπασι ἢ διῖ. καθ' ἕκαστον ἔτος πρὸς ἑαυτὸς συγκαλεῖν. *Justin. Novil. Const. 123*.

(b) Si Metropolitani Synodos celebrare negligent Præsides Provinciarum eos ad celebrandum urgere debent. Et si Moram nectere, & segnius ea peragere viderint, Imperatorem eâ de re certiores facerent, ut ab ipso contra eos qui celebrare negligunt, conveniens correctio procedat. *Zouch de Jure Sacro Sect. 10.* And

And this continu'd the standing and constant Jurisdiction of the Church, (for General Councils were call'd only upon extraordinary and emergent occasions) till the Ambition of the Church of *Rome* had Usurp'd so far upon the Rights of other Churches, that she began to claim a plenitude of Power, and dispose all things by her Arbitrary will. But yet the World was so uneasie under this Tyranny, that even the Council of *Trent* themselves as much as they were the Creatures of the Church of *Rome*, thought fit to give us the Face of this Primitive Discipline, by re-establishing the Authority of *Provincial Synods*, as we find it *Sess. 23. Cap. 2.* of their *Canons* of Reformation. And in the next Chapter give the Metropolitan no further Power than only over his own Diocese, without his *Provincial Synod*. When the *Metropolitan* has fully visited his own Diocese, he shall not visit the Cathedral Churches or Dioceses of his Comprovincial Bishops, unless the Cause be first known and approv'd by the *Provincial Synod* *. Thus far therefore to prove in general,

* A Metropolitanis verò etiam post plenè visitatam propriam Diocesim, non visitentur Cathedrales Ecclesie, neq; Dioceses suorum Comprovincialium, nisi causâ cognitâ, & probatâ in Concilio Provinciali. *Conc. Trid. Sess. 23. cap. 3.*

that no more than an ordinary Authority was ever lodg'd in a single Bishop, and that whatever was above the ordinary Authority was never trusted with the Metropolitan singly, but joyntly with his Synod.

We are next to enquire into the Canonical Directions for the Exercise of this Authority, to do which we must begin as we did before with that Collection of Canons which is call'd Apostolical, the Seventy fourth of which runs thus, *If a Bishop be accus'd of any Crime by Persons of good credit, he must be Summon'd by the Bishops, and if he appear and confess, or be convicted, they must Determine the Punishment; but if when cited he shall not obey, let him be cited a second time, by two Bishops sent to him for that purpose, and if he still refuse to appear, let him be cited a third time; but if he shall then prove contumacious, and not obey, let the Synod give sentence against him, as shall seem meet to them, that he may not seem to gain any thing by avoiding Justice* *.

* Επισκοπον κατηγορηθέντα ἐπὶ πινὶ ᾧδ' ἀξιοπίστον ἀνθρώπων καλεῖσαι αὐτὸν ἀναγκάσιον ὑπὸ τῶν Ἐπισκόπων, ἅν μὲν ἀπαντήσῃ, καὶ ὁμολογήσῃ ἢ ἐλεγχθῇ οὐκ εἶναι τὸ ἐπιτίμιον· Ἐάν δὲ μὴ ὑπακούσῃ καλέμεν Θ, καλείω καὶ δεύτερον, ἀποσελλομένων ἐπ' αὐτὸν δύο Ἐπισκόπων, εἴαν ᾧ καὶ ἔτι μὴ ὑπακούσῃ, καλείω καὶ τρίτον, δύο πάλιν Ἐπισκόπων ἀποσελλομένων πρὸς αὐτὸν, Ἐάν ᾧ καὶ ἔτι καταφρονήσῃ, μὴ ἀπαντήσῃ· Ἦ Σύνοδος ἀποφαινέτω κατ' αὐτὴν τὰ δεκνύμενα, ὅπως μὴ δόξῃ κερδαίνειν φυροδικῶν Can. Apost. 74.

This Canon is very exprefs against the fingle Authority of the Metropolitan, for if a Bifhop be accus'd, he muft be cited not before the *Metropolitan* but before the *Bifhops*; if he be convict, or by non-appearance become contumacious, the Sentence muft be pronounc'd againft him not by the Authority of the Metropolitan, but by the Authority of the *Synod*. Here is not fo much as mention made of the *Primate* or *Metropolitan*, nor can he be fuppos'd by confequence to be any otherwife concern'd in this Law, but as comparing it with the former, we may from thence infer, he is included in the *Synod*, as being the Head or Prefident of that Society.

And that the Authority of this Canon obtain'd in the Church is evident from the Interpreters of it, *Zonaras*, *Balsamon*, and *Alexius Ariftenus*, who all liv'd about the Twelfth Century, and *Blaftares* who reach'd the Thirteenth, at leaft nine hundred or one thoufand years from the fuppos'd Constitution of it, and do All give it us at that diftance as a Law in force; only *Balsamon* gives us an Alteration in that one fingle circumftance of *Citation*, becaufe the Church being now in a more

flourishing condition they had Officers to attend their Jurisdiction, and therefore did not send their own Members to make the Citation, but did it by their publick Notaries.

But that we may not depend wholly upon these Modern *Greeks*, we find this Law repeated and reestablish'd by the second General Council, practis'd by the third and fourth in the Tryals of *Nestorius* and *Dioscorus*, and therefore have reason to believe, it was one of those *Ἀρχαία Ἔθη*, those Ancient Customs confirm'd by the first at *Nice*, especially since we find it not only the continual Practice, but the repeated Constitution of several Provincial Councils during the Interval mention'd.

I shall trouble you at present but with one, but that so very considerable against the single Authority of the Metropolitan, that it does not so much as leave him the casting Voice, and that is the Fourteenth Canon of *Antioch*, which says, *If the Synod be so divided as to come to equal Voices, upon the Question, Guilty or not Guilty, the Metropolitan shall not Determine it himself, but call in the assistance of other Bishops from the Neighbouring Province to do it.*

Thus

Thus far therefore the *Synodal* Authority is the only Legal Authority in the case of Deposing *Bishops*; and whatever of that kind was done without them was accounted null and void.

Thus in the case of *Agapius* and *Bagadius*, who both pretended to the Bishoprick of *Bostra*, there was a Council held at *Constantinople*, under a General one, the most considerable we meet with for the Persons in it; for there were present *Nectarius* of *Constantinople*, *Flavian* of *Antioch*, *Theophilus* of *Alexandria*, *Gregory* of *Nyssa*, *Amphilochius* of *Iconium*, with many others of the most Celebrated Fathers of that Age, and all the Priestly Order: The Case was this, *Agapius* was chosen to the Bishoprick of *Bostra*, upon the Deposition of *Bagadius*; *Bagadius* pretends the Deposition to be null because he had been depos'd only by two Bishops: When this matter of Fact was laid before this wise Council, their Debates upon it were thus: The Persons who had committed the Irregular Fact were dead, and therefore it was thought hard to pass the sentence of Indignation against them; but yet it was thought convenient to secure Futurity, lest any other hereafter should attempt the same

same thing: For what was past, it was thought the Council of *Nice* had sufficiently condemn'd it by requiring at least Three with the Metropolitan for the Consecration of a Bishop, much more for the Deposition. And therefore for the future it was agreed by all that no one should be depos'd by Three, much less by Two, but only by the Sentence of the greater Synod, and of all the Bishops of the Province as the Apostolical Canons have determin'd *.

This Council was held about the year 394, and is not brought as a single Instance of Fact only; for besides the Instance of Fact shewing the Practice of the *Apostolical Canon*, it confirms and re-establishes the Authority of it.

But the Twelfth Canon of the *African Code* allows a Bishop to be Depos'd without a Synod: It does so indeed, but not in favour of the single Authority of the *Primate*, but of the Criminal; for though *Africk* consisted of many Provinces, yet was it always reckon'd as one National Church, and though there were several

* Καθώς οἱ Ἀποστολικοὶ Κανόνες διέταξαν. Labbè. T. 2. pag. 1151.

Primates, yet were they All under the Archbishop of *Carthage*; this made it difficult in that Country to expect Annually a Plenary Synod of all the Bishops, and therefore by the Twenty first Canon of that Code, the *Primates* in each Province with their proper Synods, were allow'd to chuse as many *Legates* or *Delegates*, as they thought convenient, that so by Delegation the Authority might be full, and what they did, Authentick (a).

The same Reason was the occasion of this Twelfth Canon; for it was never permitted to proceed against a Bishop in Criminal Causes, by such a select number, but when there was such a necessity that a larger number could not come together (b), and then it was always in favour of the Criminal for this reason given by the Canon, that he might not remain too long, under the suspicion of the Crime (c), as both the Interpreters explain it, and by that Means, fall under the contempt of his People, which is a

(a) Πλήρης εἶναι θεωρεῖται ἡ Αὐθεντία. Cod. Afr. Can. 21.

(b) Πολλὴ ἀνάγκη τὸ μὴ διατάσσει συναλθεῖν πολλοί. Ib. Can. 12.

(c) Διὰ τὸ μὴ ἐπιμένειν αὐτὸν ἐν τῷ ἐγκλήματι. Id. Ibid.

circumstance not easily recoverable, though he might be acquitted from what he was accus'd of. And to shew us yet further that this Canon was wholly made in favour of the Criminal, the Twenty second Canon of that Code tells us, the Accuser of a Bishop is to bring the matter before his Primate, but the Accus'd is to be Summon'd by the Citatory Letters of those who are chosen to be Judges; and the Twenty third Canon with the concurring Interpretation of *Balsamon* and *Zonaras* allow the choice of those who are to Judge to the accus'd Person.

This Number of Twelve besides the Primate is call'd in the Twenty third Canon the *Legal Number*; * for this Canon not pretending to Repeal the Ancient Authority or Jurisdiction of the Synod, but only allowing a Provisional Authority in a case of necessity, and that wholly in favour of the Criminal. It was absolutely necessary (because it has been always the Prudence of Governours to be very cautious of allowing Privileges where they are En-

* *Ἀριθμὸς Νόμιμος*, by *Gratian Numerus Legitimus*.

croachments upon Law) to determine in this case what and what alone should be the Legal Number. And therefore in the case of *John of Amathus*, when the Sentence of the Archbishop of *Cyprus* was brought before the Senate and Synod of *Constantinople*, it was judg'd void for these two Reasons :

1st. Because the whole Synod of *Cyprus* was not call'd to this Judgment, there being no difficulty which might hinder their Convention *.

2^{ly}. Because the Archbishop was one of the Twelve, whereas he ought to have been one besides the Twelve, which shews how nice they were in the observation of this favourable or Provisional Canon.

This is the only Instance I meet with thus early of any Canonical Authority which

* *Εὐχέλαιος ὁ πρὸς τὸν* Cum magna esset cogenda facultas.

allows the Primate to Depose a Comprovincial Bishop without expecting the Sentence of a full Synod; which we find was Calculated for the Necessities of the Church of *Africk*, and when the Code of that Church for the Excellency of its Constitutions, was receiv'd into the Code of the Universal Church, became the Practise sometimes of other Places, but is so far we see from Patronizing the single Authority of the Metropolitan that it was made wholly in favour of the Criminal.

In the remaining part of the Collection therefore we shall find the Canonical Directions sometimes pointing one way, sometimes the other; but to avoid being over tedious in so plain a case, it may I hope be thought enough to prove this, if we produce a few Instances of each kind from such Authorities as are sufficient to prove them to have been the common Practise of the Church. For the Authority of Synods, the Eighth General Council, *Act. 10. chap. 10.* forbids *any to withdraw from the Communion of their Patriarch, Metropolitan or Bishop, though they pretend to know him to be Guilty of some crime that might justify their doing it, before he has had a*
careful

*careful Examination, and a Synodical Sentence be pass'd upon him **.

The Council of Basle another General Council as the Church of Rome accounts it in its Constitution for Provincial and Synodal Councils gives this for the reason and necessity of their meeting, *That all those who shall be found to have offended in any of the Premises might be punished by the Council its self.* The correcting the Excesses and Enormities of the Clergy of what Rank soever is always made one reason for the necessity of frequent Councils, which amounts to more than a strong probability, that they could not regularly be corrected elsewhere: Thus in a Council of our own Nation at London under Henry the Second, Anno Dom. 1175. it is declar'd by Richard then Archbishop of Canterbury, *That therefore Councils are conven'd in the Church of God according to the Antient Custom of the Fathers, that those who have the chief Pastoral Care may re-*

* Ante diligentem examinationem & Synodicam Sententiam. Conc. Gen. 8. Act. 10.

gulate the Lives of their Subjects by Canonical Institutions made by common consent, and punish Enormities by a better advis'd Censure *.

The Forty third Canon of *Hadrian* the First, which Code as *Antonius Augustinus* tells us, is a Collection from the Ancient Greek and Latin Canons, runs thus, If any Metropolitan Bishop attempt any thing that is Foreign, i. e. Any thing that does not belong to his own Proper Diocese without the Council and consent of All his Comprovincial Bishops, He shall be tyable to be degraded, and what He has so done shall be void and null †.

For the *African* Custom we find it confirm'd by the Council of *Trivur* or *Trevvur*, so call'd

* Et enormitates consultiore censura compescant.

† Si quis Metropolitanus Episcopus, nisi quod ad suam pertinet propriam solummodo Parochiam, sine concilio & voluntate omnium Comprovincialium Episcoporum extra aliquid agere tentaverit, Gradus sui periculo subiacebit, & quod egerit irritum habeatur & vacuum.

from

from a Royal *Ville* of that name upon the Rhine, which Chap. 10. tells us, No Bishop ought to be Depos'd but by Twelve Bishops, a Presbyter by Six, a Deacon by Three. And then repeats the *African Constitution*: The Council of *Hispalis* about the year 590 is not so full but yet sufficiently intimates the same custom as quoted by *Burchard* and *Ivotheas*, If a Bishop be sued, or have an *Action* against any, let the cause be try'd by the Bishops the Judges, whether such as the Primate shall appoint, or such as they themselves by consent shall chuse out of the neighbourhood. But this seems rather to be in a Civil than a Criminal Action, and therefore not so much to the Point in hand, but the second Epistle of *Leo* the Fourth to all the Bishops of *Brittany* confirms this *African* custom more fully, when he says, There can be no condemnation of Bishops but only before the Legal Number of Bishops, or by a Sentence prov'd by competent Witnesses *.

* Nullam damnationem Episcoporum esse unquam censemus, nisi aut ante Legitimum Numerum, qui sit per duodecim Episcopos, aut probatâ Sententiâ per idoneos Testes.

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Thus do the Publick Constitutions of the Church run in the case of Deposing Bishops, that there must be either a Synod conven'd for the doing of it, or at least in cases of necessity, the lawful number of Bishops appointed by the *African Code*, that is, Twelve. And during all this Interval we have been considering, in which the Bishops of *Rome* arriv'd at the utmost Height, and as they are pleas'd Arrogately to express it, *Plenitude of Power*; yet we meet with but one *Constitution* which gives even them such a singular and Arbitrary Power, and that was made by a *Roman Synod*, the Creatures of *Gregory the Seventh* in these words: *The See Apostolick has Power without a Synod, to Absolve those whom an unjust Synod has condemn'd, and without a Synod to condemn those who ought to be condemn'd* *. But we must consider this Furious *Hildebrand* had at that time put the Emperor Himself under a Sentence of Deposition, and therefore might easily be allow'd to do it to a Defenceless Bi-

* Et damnandi nulla existente Synodo, quos oportuit, facultatem habet.

shop, though I hope by this Time the World is well satisfy'd He had no better Foundation for the one than the other.

It remains only now therefore to see what the Doctrine of the Council of Trent in this Point is, and then we have brought the state of the Question down to the Times of Reformation. Now that Council though they endeavour'd All they could to advance as far as was possible, the Arbitrary and unlimited Power of the Bishop of Rome, yet were they so fully convinc'd of the Right and Authority of the *Metropolitcal Synod*, that they could not wholly overbear it. And therefore when by their Decree of Reformation they had restor'd (though I do not find that it is now in practice amongst them) the use of Provincial Synods (the true Primitive Authority of the Church) they tell Us, Sess. 23. c. 12. *The Provincial Synod shall Prescribe a certain Form to every Province according as the necessity and usage of the Province shall require. And Sess. 22. c. 1. in matters of difference, It shall belong to the Metropolitan with his Provincial Council to determine **

* Ad eundem [*i. e.* Metropolitanum] cum Concilio Provinciali spectabit Judicare.

And

ing the only Canonical Authority of the Church over Bishops. In a Provincial Council of Milan immediately after the Council of Trent, held by Cardinal *Borrhomeo*, Archbishop of that City, we meet with this Canon concerning the Funeral of a Deceas'd Bishop: *The negligence of a Bishop at the Funeral of one of his Comprovincials, shall be highly punished by the Provincial Synod; of Canons, or other Clergy, by the succeeding Bishop* †.

Thus do we find from the *Apostolical Canons*, down to the Council of Trent, even to the Times of Reformation, the Ecclesiastical Constitutions in this Point of the Metropolitan's Authority over his Comprovincial Bishops, stand generally upon the same Bottom, upon which those Primitive Canons did fix them, viz. The Concurrence of his Provincial Synod,

* *Episcopi Negligentia in Comprovincialis Episcopi funere, à Synodo Provinciali; Canonorum vel Cleri à Successore Episcopo graviter puniatur. Concil. Mediol. l. cap. de Funere Episcop.*

except only in that Constitution of the *African* Code, and those that follow it, which was made only for a case of necessity, and not in favour of the *Metropolitan*, but of the *Criminal Bishop*.

And since that Time we are not to expect any further light to this Question from publick Constitutions, for the Reason hinted in the beginning of this Letter, the Imperfection of the *English* Reformation in Point of Church Authority. For though the 25th of *Hen. 8.* provided for a Review and Reformation of the Ecclesiastical Law, yet those Measures never having their effect, have still left us under an uncertainty; and the Canons of 1603, the only Body of Ecclesiastical Laws which hath been made since, do not reach this case, the 122^{d.} of them providing only for the Deposition of private Ministers. But if your Lordship will accept of the Authority of a single Person, where our publick Constitutions are silent, the Bishop of *Sarum* is with us in this Question; for He in answer to *Sanders*, who had objected, That the Bishops were Depos'd from their Degrees, answers, *They were not Depos'd from their Degree, but de-*

priv'd

priv'd of their *Bishopricks*, for they having accepted *Commissions* by which they held their Sees only during the King's Pleasure, they might well be depriv'd by a Sentence of the Delegates: But had they been to be depos'd, and thrust from their Order, it must have been done by a Synod of Bishops. Hist. Reform. Vol. 2. App. pag. 391, 392.

If the Instance therefore of this single Question may be sufficient to satisfy your Lordship, that our *English* Reformation in Point of Church Authority, is neither so perfect as it might be, nor as our Ancestors intended it should be, I hope we may be pardon'd if once in our Turn we humbly ask for a *thorough* Reformation. Our Adversaries have often clamour'd against us that way, but when ever they gain'd their Point, we find they reform'd us always in a Military sense, not by improving, but breaking our Constitution. It is not difficult to account for this Imperfection in the Beginning of our Reformation. For that Convocation which made the Act of Submission: That Act which has ever since ty'd up the Hands of the Clergy, and must do so till the Government shall think fit to release

lease them, was a Popish Convocation, and were so obstinate, that tho' they submitted to save their Persons and Estates from a Præmunire, yet did they suffer the Power to be wrested out of their Hands, rather than they would themselves Re-form it.

But yet since the Government has not been so fortunate as hitherto to meet with the right measures of curing this Imperfection, since hitherto the Commission of 32. has been ineffectual, and the High Commission grew so exorbitant, as to become a publick complaint and grievance to the Nation, give me leave again to suggest it to your Lordship that since the Government I hope is well satisfy'd that all real fears of Popery from the *English* Clergy are over, since their skill and courage, their integrity and ability have been more than once successfully try'd in the cause of Reformation against those Enemies: The true Church of *England* by Representation, the Sacred Synod of this Nation might well deserve to be permitted to finish what 'tis plain our Ancestors aim'd at and intended, the Reformation of the Ecclesiastical Law. The want of which
is

is evidently the Blemish and Imperfection of our Reformation.

A Work of this nature would give our Synod so full an Employment as would take off the weak Arguments which some of late have usd against their meeting, by unworthily representing them as men of such Tempers as would only run their Debates into Personal Heats and Quarrels amongst themselves; for however the Fears and conscious Apprehensions of some Persons may suggest such weak thoughts to them; yet I am confident your Lordship has a better opinion of the Body of the *English* Clergy, than to think they would sacrifice the opportunity of so publick a Service to any private Animosities, and will still believe the Government has more reason now than they had in *Henry* the Eighth's days, to think them Sufficient and Meet for such things.

But to end your Lordship's trouble and my own, and to satisfy you, ~~your Lordship~~ you will not be alone in endeavouring to restore the Liberty of our Synod, in order to Finish our Reformation; I shall conclude with a worthy Saying of
I the

A Letter to a Peer, &c.

the present Bishop of Sarum in his Observations on the first *Apostol. Can.* p. 37. as it was Printed at Glasgow 1673, All who desire the Restitution of Church Discipline think, that the erecting of Provincial Synods, and giving the Power of Electing Bishops to them, is both the best Method, and most Agreeable to All Antiquity. And so Subscribe my Self

My Lord,

Your Lordship's most Obedient and

most Humble Servant, &c.

F I N I S.

